

REMARKS

Claims 1-2 and 4-28 are all the claims pending in the application. Claim 3 has been canceled without prejudice or disclaimer. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. § 101

The Examiner rejected claims 1-4 [read 1-3]¹, 26, and 27, under §101 as lacking utility.

With respect to claim 1, the Examiner asserted that there is a question as to whether the claim is directed to an abstract idea or to a practical application producing a concrete, useful and tangible result. The Examiner went on to suggest that if the claim were directed towards using a computer to predict the life of a rolling bearing, then the claimed subject matter would unquestionably be statutory. In order to expedite prosecution of this application, Applicants have taken the Examiner's suggestion, and have amended claim 1 so as to be directed to the use of a computer to predict the life of a rolling bearing. Likewise, then, claim 2 should now unquestionably be directed to statutory subject matter.

With respect to claims 26 and 27, the Examiner asserted that the claims must be directed to instructions that, when executed, instruct a computer to perform various functions. The Examiner suggested a sample format for a computer program product. In order to expedite prosecution of the present application, Applicants have adopted the Examiner's suggestion.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claim 2 under §112, 1st and 2nd paragraphs, with respect to the expression $a_c = g(a_m, a_c)$. Applicants have amended claim 2 so as to set forth the relation as described in the specification at, for example, page 9, lines 11-21. Accordingly, Applicants respectfully request that the Examiner withdraw these rejections.

¹ Although the statement of the rejection includes claim 4, that claim is not addressed in the reasons supporting the rejection, nor are any of the claims dependent therefrom. Accordingly, the inclusion of claim 4 in the statement of the rejection is believed to be mistaken.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 2 and 3 would be allowable if rewritten in independent form. Accordingly, to expedite prosecution of this application, Applicants have incorporated the subject matter of claim 3 into claim 1. Therefore, claims 1 and 2 should now be in condition for immediate allowance.

Further, Applicants note that subject matter similar to that in claim 3 is present in each one of independent claims 4, 11, 26, and 27. Namely, claims 4, 11, 26, and 27, independently include a fatigue limit load P_u , and a contamination degree coefficient a_c . As described from paragraphs [0018] to [0027] of US Publication No. 2002-0046012 (corresponding to the present specification), it is possible to calculate both of the internal origin peeling and the surface origin peeling by including by fatigue limit load (P_u), a contamination degree coefficient (a_c) and a lubrication parameter (a_L). etc.

None of the applied references, i.e., Hodowance, Tsujimoto, and Wohltjen, discloses that fatigue limit load (P_u) is used. Accordingly, independent claims 1, 4, 11, 26, and 27 are believed to be in condition for immediate allowance together with dependent claims 2, 5-10, 12-25, and 28.

Conclusion

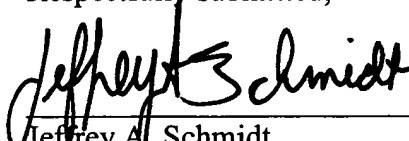
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. §1.111
U.S. Appln No. 09/940,510

Atty Docket: Q66035

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Jeffrey A. Schmidt
Registration No. 41,574

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: June 21, 2005